

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Darry Bethea,

Plaintiff,

-against-

City of New York et al.,

Defendants.

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISCONTINUANCE**

09CV00612 (FB)(SMG)

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Claridsa Reyes,

Plaintiff,

-against-

City of New York et al.,

Defendants.

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WHEREAS, plaintiff Claridsa Reyes commenced the case Claridsa Reyes v. City of New York, et al., 09-CV-712(BMC)(JO) on February 20, 2009 alleging that defendants violated her federal civil and state common law rights; and

WHEREAS, the case of Claridsa Reyes v. City of New York, et al., 09-CV-712(BMC)(JO) was consolidated with the case of Darry Bethea v. City of New York, et al., 09-CV-612(BMC)(JO) under the latter case's index number by Order of Senior Judge Frederic Block dated June 15, 2009, and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, plaintiff Claridsa Reyes and defendants now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

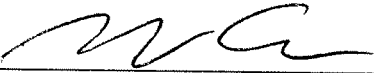
1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph “2” below.
2. The City of New York hereby agrees to pay plaintiff Claridsa Reyes the total sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) in full satisfaction of all claims against defendants, including claims for costs, expenses and attorney fees.
3. In consideration for the payment of the foregoing sums, Claridsa Reyes agrees to the dismissal of all the claims against the defendants The City of New York, Brian Tiernan, Angel Figueroa, Martin Haber, Nicholas Vandyke, Peter Rubin and any present or former employees or agents of the City of New York, the New York City Police Department and the City of New York, and their successors or assigns, from any and all liability, and any and all claims which were or could have been alleged in the complaint in this action, including claims for costs, expenses and attorney fees.
4. Plaintiff Claridsa Reyes shall execute and deliver to defendants’ attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph “2” above and an Affidavit of Status of Liens.
5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff’s rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of

the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This Stipulation and Order shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

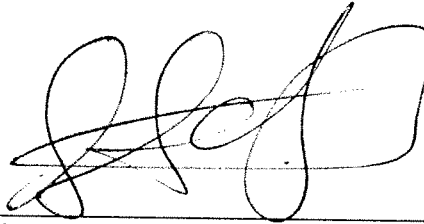
6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
November 17, 2009



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SO ORDERED:

U.S.D.J.